

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

Khayyam Wilson /

Case Number: 05-80025

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

T (1) I find that:

T there is probable cause to believe that the defendant has committed an offense

" for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;

T under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

" I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

T (a) nature of the offense - Armed robber resulting in homicide by firearm.

T (b) weight of the evidence - Strong evidence - eyewitness testimony.

T (c) history and characteristics of the defendant -

T 1) physical and mental condition - Disabled auto worker - sickle cell anemia.

T 2) employment, financial, family ties - Has family ties and employment.

" 3) criminal history and record of appearance -

" (d) probation, parole or bond at time of the alleged offense

T (e) danger to another person or community. - Indictment constitutes probable cause that defendant participated in an armed robbery in which a security guard was shot to death. Although other defendants committed the murder, this defendant was armed and assisted in the underlying offense. The death penalty could be sought, and the alternative sentence is life imprisonment. I do not find the presumption in favor of detention is rebutted. The prospect of conviction is great and the motivation to flee is substantial.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

November 15, 2005

Date

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge